

1 TERRY GODDARD
Attorney General
2 (Firm State Bar No. 14000)

3 STEPHEN A. WOLF
Assistant Attorney General
4 State Bar No. 018722
1275 W. Washington, CIV/LES
5 Phoenix, Arizona 85007-2997
Tel: (602) 542-7027
6 Fax: (602) 362-3202
Attorneys for the Arizona Medical Board
7

8 **ARIZONA MEDICAL BOARD**

9 In the Matter of

10 **MARION JABCZENSKI, M.D.**

11 Holder of License No. 3812
12 For the Practice of Allopathic Medicine
13 In the State of Arizona.

Board Case No. MD-05-0234

**CONSENT AGREEMENT FOR
SURRENDER OF LICENSE**

(NON-DISCIPLINARY)

14 In the interest of a prompt and judicious settlement of this case, consistent with the
15 public interest, statutory requirements and responsibilities of the Arizona Medical Board
16 ("Board"), and pursuant to A.R.S. §§ 32-1401 *et seq.* and 41-1092.07(F)(5), the under-
17 signed party, Marion Jabczynski, M.D. ("Physician"), holder of License No. 3812 for the
18 practice of allopathic medicine in the State of Arizona, and the Board enter into the fol-
19 lowing Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement")
20 as the final disposition of this matter.

21 **RECITALS**

22 1. Physician has read and understands this Consent Agreement as set forth
23 herein, and has had the opportunity to discuss this Consent Agreement with an attorney
24 or has waived the opportunity to discuss this Consent Agreement with an attorney.
25
26

1 Physician voluntarily enters into this Consent Agreement for the purpose of avoiding the
2 expense and uncertainty of an administrative hearing.

3 2. Physician understands that he has a right to a public administrative hearing
4 concerning each and every allegation set forth in the above-captioned matter, at which
5 administrative hearing he could present evidence and cross-examine witnesses. By
6 entering into this Consent Agreement, Physician freely and voluntarily relinquishes all
7 rights to such an administrative hearing, as well as all rights of rehearing, review, recon-
8 sideration, appeal, judicial review or any other administrative and/or judicial action, con-
9 cerning the matters set forth herein. Physician affirmatively agrees that this Consent
10 Agreement shall be irrevocable.

11 3. Physician agrees that the Board may adopt this Consent Agreement, or any
12 part thereof, pursuant to A.R.S. §§ 32-1401 et seq. and 41-1092.07(F)(5). Physician
13 understands that this Consent Agreement, or any part thereof, may be considered in any
14 future disciplinary action against him.

15 4. Physician understands that this Consent Agreement does not constitute a
16 dismissal or resolution of other matters currently pending before the Board, if any, and
17 does not constitute any waiver, express or implied, of the Board's statutory authority or
18 jurisdiction regarding any other pending or future investigation, action or proceeding.
19 Physician also understands that acceptance of this Consent Agreement does not preclude
20 any other agency, subdivision or officer of this state from instituting other civil or
21 criminal proceedings with respect to the conduct that is the subject of this Consent
22 Agreement.

23 5. Physician acknowledges and agrees that, upon signing this Consent Agree-
24 ment and returning it to the Board's Executive Director, Physician may not revoke his
25 acceptance of this Consent Agreement or make any modifications to it, regardless of
26

1 whether this Consent Agreement has been issued by the Executive Director. Any
2 modification to this original document is ineffective and void unless mutually approved
3 by the parties in writing.

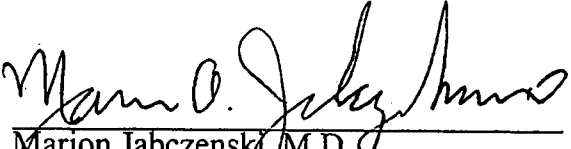
4 6. Physician understands that the foregoing Consent Agreement shall not
5 become effective unless and until adopted by the Board and signed by its Executive
6 Director.

7 7. Physician understands and agrees that if the Board does not adopt this
8 Consent Agreement, he will not assert as a defense that the Board's consideration of this
9 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.

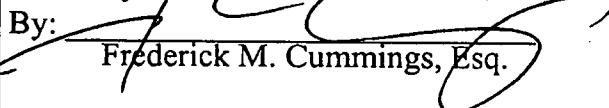
10 8. Physician understands that this Consent Agreement is a public record that
11 may be publicly disseminated as a formal non-disciplinary action of the Board, and shall
12 be reported as required by law to the National Practitioner Data Bank and the Healthcare
13 Integrity and Protection Data Bank.

14 9. Physician understands that any violation of this Consent Agreement con-
15 stitutes unprofessional conduct pursuant to A.R.S. § 32-1401(24)(r)(violating a formal
16 order, probation, consent agreement or stipulation issued or entered into by the board or
17 its executive director under the provisions of this chapter) and may result in disciplinary
18 action pursuant to A.R.S. § 32-1451.

19
20 DATED: 11/18/05


Marion Jabczenski, M.D.

21 Reviewed and Approved as to Form:

22
23
24 By: 
Frederick M. Cummings, Esq.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

2
3
4

5
6

7
8

9
10

11
12
13
14

15

16

17

18

19
20

21
22
23

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

IT IS HEREBY ORDERED that Physician's license number 3218 to practice allopathic medicine in the State of Arizona is deemed surrendered and he shall immediately return his wallet card and certificate of licensure to the Board.

ARIZONA MEDICAL BOARD

AMANDA J. DIEHL, M.P.A., C.P.M.
Deputy Executive Director

1 ORIGINAL OF THE FOREGOING FILED
2 this 7th day of April, 2008, with:

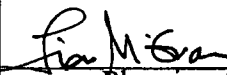
3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, Arizona 85258

6 EXECUTED COPY OF THE FOREGOING MAILED
7 this 7th day of April, 2008, to:

8 Marion Jabczynski, M.D.
9 (Address of Record on file with the Board)

10 Frederick M. Cummings, Esq.
11 Jennings, Strouss & Salmon, P.L.C.
12 201 E. Washington Street, 11th Floor
13 Phoenix, Arizona 85004-2385
14 Attorneys for Dr. Jabczynski

15 Stephen A. Wolf, Esq.
16 Assistant Attorney General
17 1275 W. Washington Street, CIV/LES
18 Phoenix, Arizona 85007
19 Attorneys for the Arizona Medical Board

20 

21 Planning & Operations

22 LES05-0673/#459434